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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No.

2010-590

**JERRY LAFFERTY,
A.K.A. Jerry Randal Lafferty,
A.K.A. Randy Lafferty
210 Carmel Ave.
Salinas, CA 93901**

ACCUSATION

Registered Nurse license No. 560849

Respondent.

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about November 9, 1999, the Board of Registered Nursing issued Registered Nurse license Number 560849 to Jerry Lafferty (Respondent). The Registered Nurse license was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2011, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of

Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

...

6. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to

1 himself or herself, any other person, or the public or to the extent that such use impairs his or her
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
4 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
5 or the possession of, or falsification of a record pertaining to, the substances described in
6 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
7 thereof."

8
9 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
10 revoke a license on the ground that the licensee has been convicted of a crime substantially
11 related to the qualifications, functions, or duties of the business or profession for which the
12 license was issued.

13 8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
14 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
15 licensee or to render a decision imposing discipline on the license.

16 9. Section 118, subdivision (b), of the Code provides that the expiration of a license
17 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
18 within which the license may be renewed, restored, reissued or reinstated.

19 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
20 administrative law judge to direct a licensee found to have committed a violation or violations of
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case.

23 CAUSE FOR DISCIPLINE

24 (CRIMINAL CONVICTION)

25 11. Respondent is subject to disciplinary action under sections 2761(f), 2762(b), 2762(c),
26 and/or 490 in that on or about October 7, 2009, in a criminal proceeding entitled *The People of*
27 *the State of California v. Jerry Randall Lafferty*, in Monterey County Superior Court, Case
28 Number MS277289A, Respondent was convicted by his plea of nolo contendere of violating

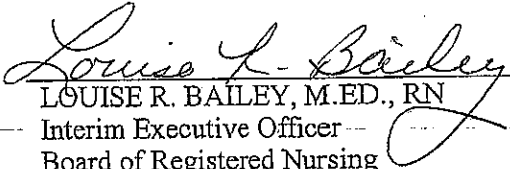
1 Vehicle Code section 23152(b) (driving with blood alcohol level of .08% or more) and Penal
2 Code section 148(a)(1)(resisting or obstructing police officer). Respondent was sentenced to
3 serve 40 days in jail (40 days for each count, to be served concurrently), five years probation for
4 the violation of Vehicle Code section 23152(b) and three years probation for the violation of
5 Penal Code section 148(a)(1) (to run concurrently), attend 15 Alcoholics Anonymous meetings,
6 attend a First Offender 9 Month Alcohol Program, and to pay fines in the amount of \$1,768.00.
7 The circumstances of the conviction are that on June 4, 2009, on Imjin Road in Monterey County,
8 Respondent was arrested for driving erratically. Respondent refused to complete field sobriety
9 tests, threatened the officers with bodily harm, and attempted to kick the officers. During the
10 course of the arrest, Respondent continued to make threats to the arresting officers, stating "I
11 hope you get shot and have to go to CHOMP [Community Hospital of the Monterey Peninsula]
12 because you're going to die if I take care of you" and "I work at CHOMP and see if I take care
13 you if you have to go there."

14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Revoking or suspending Registered Nurse license Number 560849, issued to Jerry
18 Lafferty.
19 2. Ordering Jerry Lafferty to pay the Board of Registered Nursing the reasonable costs
20 of the investigation and enforcement of this case, pursuant to Business and Professions Code
21 section 125.3;
22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: 5/17/10

24 
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant
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